



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Josh R. Roberts)
Serial No. 09/932,244)
Filed: August 17, 2001)
Art Unit: 2857)
Patent Examiner: Baran, Mary C.)
Our Ref: 01-020 CIP)
Customer No. 30058)

REMOTE DETECTION MONITORING
AND INFORMATION MANAGEMENT
SYSTEM

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF THOMAS H. WITT

NOW COMES Thomas H. Witt who declares that the following facts are true, complete and correct:

1. I am President of Witt Pest Management ("Witt"), Pittsburgh, Pennsylvania's oldest pest management company. Witt has been in existence for over ninety (90) years. Witt is a family owned and operated business and has a reputation as leader and innovator in pest management in the Pittsburgh area.
2. I have extensive experience in pest management. I have worked in the industry for over forty (40) years and I have been the head of Witt for approximately thirty (30) years.

3. I have held positions in several industry-related organizations, for example I have served as President of the Pennsylvania Pest Control Association, President of the Associated Pest Control Services Inc., Regional Vice President of the National Pest Control Association, and as the Director of the Executive Board of the National Pest.
4. I am familiar with the subject matter disclosed in the above-identified patent application, including the claims therein.
5. I subscribe to the Electronic Pest Management (“EPM®”) service offered by Eye On Solutions, L.L.C., the Assignee of the above-identified patent application. To the best of my knowledge, the EPM® service is the subject matter on which the above-identified patent application is based. Based on my knowledge of the EPM® service, and my understanding of each of Claims 1 and 28 in the above-identified patent application, I believe that Claims 1 and 28 particularly point out and distinctly claim that which is commercially embodied as the EPM® service.
6. There has existed in the industry a long and unresolved need for service providers, such as Witt, to efficiently communicate service-related information to the customer more effectively. For example, service providers have had a need to communicate to the customer what, if any, service was performed and the reasons precipitating such service. Prior to EPM®, it was conventional to communicate service-related information to a customer by way of a hand written note to the customer, or regrettably, to not communicate anything related to the service performed at all.
7. In this regard, I reference an article dated October 1, 2003 that appeared in PEST CONTROL MAGAZINE entitled “Verifiable Versatility” (“the Article”). The Article is attached hereto as Exhibit A. The Article discusses another pest control company’s

(University Termite and Pest Control) experience with the EPM® service, also referred to as SecureChoice® in the Article. In the Article, at paragraphs 6 and 7, the vice president of University Termite and Pest Control describes the long felt and unresolved need in the pest management industry that I discussed in Paragraph 6 above:

We've got a lot of people who need accountability for the service. They need to know that somebody has been there, that they've done something tangible, and that they've recorded it in such a way that everyone has access to it. Traditional reporting, such as logbooks or leaving paperwork on the doorstep, wasn't going to accomplish that because you have a lot of different personalities and schedules, including 'snowbirds' who only spend their winters in Arizona, returning back East during the hotter months of the year. So we needed a central depository to track what we've done, and we wanted the information to be verifiable in a way so the customers were happy that they were indeed getting what they were paying for. (emphasis added).

8. The Article goes on to state that the SecureChoice, powered by EPM®, resolved this heretofore long felt and unresolved need.
9. Further, in paragraphs 8-11 of the Article, the vice president of University Termite and Pest Control goes on to state that, because of EPM®, University Termite and Pest Control was able to win both the termite contracts and general pest contracts of a 144-building homeowner's association with ease. This, in my opinion, is also evidence of the claimed system's commercial success.
10. Further, the Article states in paragraph 21 that the claimed system, while only accounting for 5% of University Termite and Pest Control's customers, accounted for 15% of the company's profits. This, in my opinion, is clear evidence of the claimed

invention's resolution of a long felt and unresolved need in the industry and the claimed system's commercial success.

11. As president of a pest management company, I too, can attest to the claimed system's effectiveness and its resolution of a long felt and unresolved need. In the time period of October 2003 through December 2003 for example, the claimed system, EPM[®], has increased Witt's technician's production per hour rate by 8%. This is because EPM[®] has reduced the time it takes communicating service related information to the customer.
12. Additionally, the claimed system has been responsible for reducing customer service requests by 16%. Customer service requests often occur when a customer is unaware that service has been performed or does not understand the service-related information that the service provider has provided. EPM[®] has better informed customers of service related information. EPM[®] has also made service-related information more accessible to the customer and has presented the service-related information in a concise manner. Therefore, EPM[®] has directly contributed to the reduction of service requests, which in turn, positively affects the bottom line of Witt's business.
13. I am aware of no other service or product that has been able to achieve what EPM[®] has achieved in this regard.
14. Therefore, it is my opinion that the claimed invention as claimed in Claims 1 and 28 of the above-identified application has resolved a long felt and unresolved need in the industry.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further I say not.

2-17-04
Date


Thomas H. Witt, President
Witt Pest Management

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